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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, JANUARY 11, 2000

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUE990349

Ex Parte: In the matter concerning the
participation of incumbent electric utilities
in regional transmission entities

ORDER PRESCRIBING NOTICE AND INVITING COMMENTS

Sections 56-577 and 56-579 of the Virginia Electric Utility Restructuring Act ("the Act"), Chapter 23 (§ 56-576 et seq.) of Title 56 of the Code of Virginia, require Virginia's incumbent electric utilities to (i) join or establish regional transmission entities ("RTE") by January 1, 2001, and (ii) seek authorization from the State Corporation Commission ("Commission") to transfer their transmission assets to such RTEs.

Specifically, § 56-577 A states in pertinent part that:

[O]n or before January 1, 2001, each incumbent electric utility owning, operating, controlling, or having an entitlement to transmission capacity shall join or establish a regional transmission entity, which entity may be an independent system operator, to which such utility shall transfer the management and control of its transmission system, subject to the provisions of § 56-579.

Furthermore, § 56-579 A 1 provides in pertinent part that:

[N]o such incumbent electric utility shall transfer to any person any ownership or control of, or any responsibility to operate, any portion of any transmission system located in the Commonwealth without obtaining the prior approval of the Commission, as hereinafter provided.

The Commission is directed by § 56-579 B to adopt rules and regulations, with appropriate public input, establishing elements of RTE structures essential to the public interest. These elements are to be applied by the Commission in determining whether to authorize transfer or control of incumbent utilities' transmission assets to RTEs. The Commission is also directed by § 56-579 A 2 to develop rules and regulations under which incumbent electric utilities owning, operating, controlling, or having an entitlement to transmission capacity within the Commonwealth, may transfer all or part of such control, ownership or responsibility to an RTE upon certain terms and conditions prescribed by the Commission.

On May 26, 1999, the Commission issued an order establishing an investigation and inviting comments by stakeholders and interested parties concerning the development of the rules required by §§ 56-577 and 56-579. Numerous, extensive responses were subsequently received and analyzed by Commission Staff. In a related development, the Federal Energy Regulatory Commission (FERC), with the recent issuance of FERC Order 2000 (*Regional Transmission Organizations*, Docket No. RM99-2-000, 89 FERC ¶ 61,285 (December 20, 1999)), has concluded its rulemaking proceeding concerning regional transmission organizations, or RTOs. Thus, these two proceedings, in conjunction with independent Commission Staff analysis, have contributed to the development of proposed regulations as required by §§ 56-577 and 56-579 of the Virginia Electric Utility Restructuring Act and proposed in this Order.

These proposed regulations, therefore, apply to any incumbent electric utility owning, operating, controlling, or having an entitlement to transmission capacity within the Commonwealth, that is obligated to join or establish an RTE, or which is seeking to transfer to any person any ownership or control of, or any responsibility to operate, any portion of any transmission system located in the Commonwealth.

Upon consideration whereof, the Commission is of the opinion and finds that the notice of this proposed rulemaking should be published in newspapers of general circulation throughout the Commonwealth; that this Order should be published in the Virginia Register of Regulations; and that interested persons should be afforded an opportunity to file written comments or request a hearing on the proposed regulations appended hereto as Attachment A. Accordingly,

IT IS ORDERED THAT:

(1) Interested persons may obtain a copy of this Order, together with a copy of the proposed rules upon which comment is sought (Attachment A hereto), by directing a request in writing for the same to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Such requests shall refer to Case No. PUE990349.

(2) A copy of this Order and the proposed regulations shall also be made available for public review in the Commission's Document Control Center, located on the First Floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, during its regular hours of operation, Monday through Friday, from 8:15 a.m. to 5:00 p.m.

(3) On or before February 11, 2000, any person desiring to comment upon the proposed regulations concerning RTEs shall file an original and fifteen (15) copies of their comments with the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, Case No. PUE990349. Such comments should set forth the person's interest in this proceeding, and if such person objects to certain provisions of the proposed regulations, proposed alternative language for the regulations should be included in such person's comments.

(4) Any person desiring a hearing in this matter shall file such a request with their comments on or before February 11, 2000, and shall state in detail why a hearing is necessary.

Such a request should identify the factual issues likely in dispute upon which the person seeks a hearing, together with the evidence expected to be introduced at any hearing. If no sufficient request for a hearing is received, the Commission may enter an order promulgating regulations upon the basis of the written pleadings filed.

(5) On or before January 24, 2000, the Commission will cause to be published the following notice as classified advertising on one occasion in newspapers of general circulation throughout the Commonwealth of Virginia:

NOTICE TO THE PUBLIC OF A PROCEEDING
TO ESTABLISH REGULATIONS CONCERNING THE
PARTICIPATION OF INCUMBENT ELECTRIC UTILITIES IN
REGIONAL TRANSMISSION ENTITIES
CASE NO. PUE990349

The Virginia Electric Utility Restructuring Act ("the Act"), in §§ 56-577 and 56-579 of the Code of Virginia, directs the State Corporation Commission ("Commission") to establish regulations governing the transfer of incumbent electric utilities' transmission asset to regional transmission entities ("RTEs"). Specifically, the Act requires the Commission to establish, by regulation, the elements of RTEs essential to the public interest. The Act also directs the Commission to establish regulations governing the transfer of the ownership or control of incumbent electric utilities' transmission assets to RTEs.

By Order entered on January 11, 2000, the Commission established a proceeding to consider regulations proposed by the Commission's Staff governing the transfer of incumbent electric utilities' transmission asset to RTEs, as required by the Act. Interested persons should obtain copies of the Commission's January 11, 2000, Order with attached proposed regulations from the Clerk of the Commission at the address listed below. The Order and proposed regulations will also appear in the January 31, 2000 issue of The Virginia Register of Regulations.

A copy of the Order Prescribing Notice and Inviting Comments, together with the proposed regulations, may be reviewed from 8:15 a.m. to 5:00 p.m., Monday through Friday, in the State Corporation Commission's Document Control Center

located in 1300 East Main Street, Tyler Building, First Floor,
Richmond, Virginia 23219.

Any person desiring to comment upon the proposed regulations concerning the transfer of incumbent electric utilities' transmission assets to regional transmission entities shall file, on or before February 11, 2000, an original and fifteen (15) copies of their comments with the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. The comments should set forth the person's interest in this proceeding, and if a person objects to certain provisions in the proposed regulations, such person should propose alternative language for the regulations in their comments. All such comments should refer to Case No. PUE990349.

Any person desiring to request a hearing in this matter shall file such a request with their comments on or before February 11, 2000, and shall state in detail why a hearing is necessary. Such a request should identify the factual issues upon which the party seeks hearing, together with the evidence expected to be introduced at any hearing. If no sufficient request for hearing is received, the Commission may enter an order promulgating regulations upon the basis of the written pleadings filed.

All communications to the Commission should be directed to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, and should refer to Case No. PUE990349.

THE DIVISION OF ENERGY REGULATION OF THE
VIRGINIA STATE CORPORATION COMMISSION

(6) On or before February 29, 2000, the Division of Energy Regulation shall file with the Clerk of the Commission proof of the publication of the notices required herein.

Chapter 320.

REGULATIONS GOVERNING TRANSFER OF TRANSMISSION ASSETS TO REGIONAL
TRANSMISSION ENTITIES

20 VAC 5-320-10. Applicability and scope.

These regulations are promulgated pursuant to the provisions of the Virginia Electric Utility Restructuring Act (§ 56-576 et seq. of the Code of Virginia), and they apply to any incumbent electric utility owning, operating, controlling, or having an entitlement to transmission capacity within the Commonwealth. Sections 56-577 and 56-579 of the Act require Virginia's incumbent electric utilities to (i) join or establish regional transmission entities (RTEs) by January 1, 2001, and (ii) seek the Commission's authorization to transfer their transmission assets to such RTEs.

Specifically, § 56-577 of the Code of Virginia requires that on or before January 1, 2001, incumbent electric utilities owning, operating, controlling, or having entitlement to transmission capacity join or establish RTEs. The utilities are required to transfer the management and control of their transmission systems to the RTEs, subject to the provisions of § 56-579 of the Code of Virginia.

Additionally, § 56-579 provides that no incumbent electric utility shall transfer to any person any ownership, control, or operation of any portion of any transmission system within the Commonwealth without obtaining the Commission's prior approval.

Finally, certain transfers of utility assets are subject to the Utilities Transfers Act (§ 56-88 et seq. of the Code of Virginia).

In short, incumbent electric utilities who own, operate, control or have entitlement to transmission capacity are subject to three provisions: (i) the obligation to join or establish an RTE, (ii) the obligation to obtain Commission approval before transferring ownership, control or operation to an RTE, and (iii) obligations imposed by the Utilities Transfers Act. Although these provisions are distinct, they overlap.

In the interest of administrative efficiency, the Commission will utilize a single proceeding in which the utility seeks approval for a proposed transfer under § 56-579 and under the Utilities Transfers Act. In that proceeding, the Commission will determine whether (i) the RTE to which the applicant proposes to transfer transmission ownership, control or responsibility to operate satisfies the legislative criteria set forth in § 56-579, and (ii) the transfer otherwise satisfies § 56-579 and the Utilities Transfers Act.

Accordingly, these regulations establish:

1. The elements of regional transmission entity structures essential to the public interest, to be applied by the Commission in determining whether to authorize transfer of ownership or control from an incumbent electric utility to a regional transmission entity, all as required by § 56-579;
2. Filing requirements for entities required to comply with the mandate of § 56-577 that certain entities join or establish regional transmission entities, and seeking the Commission's permission to transfer control, ownership or responsibility of or for transmission to a regional transmission entity pursuant to § 56-579 and the Utilities Transfers Act;
and

3. A schedule for such filings by the entities having obligations under § 56-577.

20 VAC 5-320-20. Definitions.

The following words and terms when used in this chapter shall have the following meaning unless the context clearly indicates otherwise.

"Act" means the Virginia Electric Utility Restructuring Act.

"Commission" or "SCC" means the State Corporation Commission.

"FERC" means the Federal Energy Regulatory Commission.

"Incumbent electric utility" shall have the same meaning as set forth in § 56-576 of the Code of Virginia.

"Rate pancaking" means the practice of (i) requiring a transmission customer to pay a separate access charge each time the contract path associated with the customer's transaction crosses the boundary of another transmission owner, so as to count more than once the quantity transmitted; or (ii) otherwise counting the quantity transmitted more than once in the calculation of the transmission customer's charges for transmission services, ancillary services or both.

"Regional transmission entities" or "RTEs" means any individual, corporation, municipality, partnership, association, company, business, trust, joint venture, or other private legal entity that may receive or has received, by transfer pursuant to this chapter, any ownership or control of, or any responsibility to operate, all or part of the transmission systems in the Commonwealth.

"Transmission assets" means those facilities and equipment owned, operated, or controlled by incumbent electric utilities, required for the transmission of electric energy. The term also includes facilities and equipment for the transmission of electric energy when incumbent electric utilities have entitlement to the transmission capacity thereof.

20 VAC 5-320-30. Elements of an appropriate regional transmission entity; general categories.

A. Section 56-579 of the Code of Virginia requires that RTEs (i) promote practices for the reliable planning, operating, maintaining, and upgrading of the transmission systems and any necessary additions thereto, and (ii) be consistent with meeting the transmission needs of electric generation suppliers both within and without this Commonwealth.

B. Accordingly, RTEs to which any incumbent electric utility proposes to transfer its transmission assets shall satisfy Commission requirements in the following five essential categories before any such transfer will be approved: (i) reliability practices, (ii) pricing and access policies, (iii) independent governance, (iv) consistency with FERC policy, and (iv) fair compensation to the transferor.

20 VAC 5-320-40. Reliability practices.

RTE reliability practices shall, at a minimum:

1. Maintain short-term system reliability on an ongoing basis;
2. Identify system enhancements needed to maintain reliability over the long term and to facilitate the addition of needed improvements;
3. Assure that the RTE has the authority to construct or to compel the construction of needed transmission facilities;

4. Assure that reasonably priced ancillary services necessary for reliable service are available on an open-access basis;
5. Serve as an information resource to reliability councils or committees, potential market entrants, consumers, the FERC and state regulatory commissions;
6. Promote the construction of properly located generation facilities when such facilities represent optimal solutions for maintaining reliability; and
7. Provide for appropriate interconnection of new generating facilities.

20 VAC 5-320-50. Pricing and access practices

A. RTEs shall promote policies for the pricing and access for service over such systems which are safe, reliable, efficient, not unduly discriminatory and consistent with the orderly development of competition in the Commonwealth as required in § 56-579 of the Code of Virginia.

B. Accordingly, such pricing and access policies must, at a minimum:

1. Provide for efficiently priced transmission access to competing generating resources over as broad a region as possible;
2. Use transmission rates that do not discourage economic transactions, and do not encourage uneconomic transactions;
3. Be adaptable for purchasers of electricity at wholesale or at retail;
4. Provide for the efficient relief of transmission congestion through the redispatch, by direct orders or by coordination with customers and generators, of competitively priced generation on an economically efficient basis;

5. Provide for the efficient pricing of transmission transactions between different regional transmission organizations;
6. Ensure that all transmission decisions, including pricing, access, planning and operational decisions, are made transparently;
7. Provide for effective market monitoring, including serving as a resource to assist the FERC and state regulatory commissions in the identification and resolution of market power abuses; and
8. Create an environment which facilitates the development of an efficient generation market.

20 VAC 5-320-60. Independent governance.

A. Section 56-579 of the Act requires RTE policies that are not unduly discriminatory and that are consistent with the orderly development of competition in the Commonwealth.

B. Accordingly, RTEs shall:

1. Be governed independently of all generation and other competitive interests;
2. Allow their decision-makers full discretion to achieve all the policies of this chapter; and
3. Provide to such decision-makers:
 - a. Strong, unimpeded incentives to exercise such discretion; and

b. No incentives to act inconsistently with the development of such competition.

20 VAC 5-320-70. Consistency with FERC policy.

Every transfer of transmission assets by an incumbent electric to an RTE pursuant to this regulation shall be consistent with the lawful requirements of the Federal Energy Regulatory Commission (FERC), as required by the provisions of § 56-579 of the Code of Virginia. Accordingly, such transfers shall be conform to:

1. Any final rules issued by FERC, including FERC Orders 888,¹ 889, 889-A, 889-B² and 2000;³ and
2. Any orders issued by FERC in the area of transmission rates and regional transmission arrangements.

20 VAC 5-320-80. Fair compensation to transferor.

The RTE's method for acquiring control of transmission rights or assets transferred by an SCC-jurisdictional entity shall include terms that fairly compensate the transferor as specified in § 56-579 of the Code of Virginia. Such policies shall, at a minimum:

1. Provide for a revenue stream sufficient to provide an adequate return on investment and recovery of reasonable operating expenses; or
2. Provide for a purchase price that reflects an appropriate value for the sale of any transmission assets.

20 VAC 5-320-90. Filing requirements; generally.

Each incumbent electric utility owning, operating, controlling, or having an entitlement to transmission capacity within the Commonwealth, intending to transfer all or part of the control, ownership or responsibility for such transmission capacity to an RTE, shall file an application with the Commission. The application shall be prepared and submitted in two principal parts:

1. Part I shall consist of pre-filed testimony and supporting exhibits or schedules necessary to demonstrate that the RTE to which the applicant proposes to make such transfer satisfies the elements set forth in this chapter.
2. Part II shall consist of pre-filed testimony and supporting exhibits or schedules necessary to demonstrate that the transfer of transmission ownership, control or responsibility is consistent with all applicable statutory requirements.

20 VAC 5-320-100. Contents of incumbent utility filing, Part I.

Part I of the utility filing required pursuant to 20 VAC 5-320-90 shall include, at a minimum, the following:

1. Copies of all agreements entered into or to be entered into by the RTE, transmission owners, transmission users and other entities.
2. A description of the business structure of the RTE (e.g., public service corporation, limited liability company). Copies of the RTE's articles of incorporation, articles of organizations or similar documentation shall be provided in conjunction with this description.

3. A detailed description of the RTE's governance, including but not limited to explanations of the selection process for the RTE's board of directors and officers, codes of conduct, transmission owner rights and voting conditions.

4. A detailed description of the specific planning, operational, maintenance and other responsibilities that will be within the province of the RTE, and those that will remain within the province of the transmission owners. Such description should specify authorities and powers granted to the RTE. The list of responsibilities addressed should include, but not be limited to:

- a. Construction of facilities;
- b. Dispatch and re-dispatch of generation;
- c. Maintenance of facilities;
- d. Decision to order line loading relief;
- e. Filing of initial tariffs at FERC;
- f. Filing of changes to tariffs at FERC;
- g. Acquisition of ownership or control of transmission facilities from transmission-owning members of the RTE;
- h. Acquisition of ownership or control of transmission facilities from entities other than transmission-owning members of the RTE;
- i. Admission of new members;
- j. Establishment of fees;
- k. Establishment of budget;
- l. Hiring of staff leadership;

- m. Planning activities for interconnecting new generating facilities;
 - n. Planning activities for transmission facilities controlled by the RTE;
 - o. Planning activities for transmission facilities not controlled by the RTE or distribution facilities to be interconnected with the RTE;
 - p. Open access transmission tariff (ATT) administration;
 - q. Transmission transaction scheduling;
 - r. Provision of energy imbalance services;
 - s. Procurement and provision of ancillary services;
 - t. Market monitoring activities;
 - u. Control area or security coordination responsibilities;
 - v. Calculation and posting of available transmission capacity (ATC);
 - w. Dissemination of reliability-related information and coordination with reliability councils or organizations; and
 - x. Coordination with generators and policies for interconnecting new generators.
5. A detailed description of each type of transmission-related decision over which a transmission owner will retain discretion, and the criteria which the transmission owner is free to apply to such discretion.
6. A detailed description of the plans for selecting the Board of Directors for the RTE.
7. A detailed description of the plans for hiring and training the employees of the RTE.

8. A description of the transmission rate or rates that will be collected by the RTE, including:

a. The type of rates to be charged (e.g., zonal rates, grid-wide rates);

b. Provisions for transitioning to a particular type of rate or for modifying existing rates;

c. A statement indicating whether there will be any rate pancaking for transactions within the RTE and, if so, the following information shall be furnished:

(1) A precise description of how the pancaking occurs, with realistic hypothetical examples,

(2) A detailed analysis of the economic effect of the pancaking on representative types of transactions affecting customers in Virginia,

(3) A statement of how long the pancaking will last,

(4) An explanation of the rationale for permitting the pancaking, and

(5) A discussion of any FERC precedent relevant to determining the lawfulness or appropriateness of such pancaking, including a description of all commonalities and differences between the facts addressed in the FERC precedent and the facts in the RTE agreement at issue;

d. A statement indicating whether there is any charge, other than rate pancaking, which is intended to recover, or has the effect of recovering, from the transmission customer, revenues which one or more transmission owners would no longer receive as a result of the elimination of pancaked rates, and, if so, the following information shall be furnished:

- (1) A precise description of how such charge operates, with realistic hypothetical examples,
- (2) A detailed analysis of the economic effect of such charge on representative types of transactions affecting customers in Virginia,
- (3) A statement of how long such charge will last,
- (4) An explanation of the rationale for permitting the charge, and
- (5) A discussion of any FERC precedent relevant to determining the lawfulness or appropriateness of such charge, including a description of all commonalities and differences between the facts addressed in the FERC precedent and the facts in the RTE agreement at issue;
- e. A schedule comparing and contrasting the RTE's transmission charges and resulting RTE revenues with embedded retail transmission charges for each of the utility's Virginia jurisdictional rate classes;
- f. An explanation of any special performance incentives;
- g. An explanation of the transmission pricing applicable to transmission transactions with other regional transmission organizations; and
- h. An explanation of the transmission pricing applicable to wheel-in, wheel-out, drive-through, and drive-within transactions.
9. A description of any complaint and dispute resolution procedure.

10. A detailed description of the facilities that will be subject to the RTE's control and/or that will be transferred to the RTE. Such description shall specify (i) whether the basis for determining which facilities are to be transferred is FERC's seven factor test set forth in FERC Order 888⁴ or some other method, (ii) how such test or method was applied, (iii) whether and how frequently such test will reviewed and revisited, and (iv) who, as between the RTE and the owners, will require such review and any subsequent transfer made necessary by such review.

11. A detailed discussion of generation markets or hubs within the RTE and within one wheel of the RTE. Such discussion shall:

a. Compare and contrast historical and expected average prices in these markets with embedded generation charges for each of the utility's Virginia jurisdictional rate classes; and

b. Describe how the proposed RTE will promote improved access to each of these markets;

12. If an application to form an RTE already has been submitted to FERC, the filing shall include:

a. A copy of the application to the FERC (including applications made under § 203 and §§ 205 or 206 of the Federal Power Act); and

b. Any pleadings and orders issues in such FERC case;

13. If the FERC has approved or conditionally approved the RTE, describe any conditions or requirements imposed on the RTE and the RTE's plans for satisfying such conditions.

14. A detailed description of the RTE's experience in grid management. If the RTE is a new entity, describe the qualifications and/or personnel requirements for principal RTE employees who will be engaged in the management and operation of transmission facilities controlled by the RTE.

15. A detailed statement of how the proposed RTE will comply with each of the elements set forth in this section.

16. A detailed explanation of why the particular RTE was selected instead of other existing or possible RTEs, including an assessment of how any such alternative RTEs satisfy the required RTE elements set forth in this chapter. Such statements should include assessments of the financial and technical abilities of the proposed RTE as contrasted with alternative RTEs.

20 VAC 5-320-110. Contents of incumbent utility filing, Part II.

Part II of the utility filing required pursuant to 20 VAC 5-320-90 shall include, at a minimum, the following:

1. A copy of the transaction agreement signed by an appropriate utility official.
2. A description of the proposed transfer and the terms and conditions of the transaction to include historical and current use of property, proposed use of property, original cost of the property, current net book cost of the property, proposed sales price of the property and the method of determining the price, and the proposed accounting treatment of the transaction as well as current recording on company's books of record.
3. Assurances that adequate service to the public at just and reasonable rates will not be impaired by the proposed transfer.

4. If an actual sale of the facility is proposed --

a. A showing that the sales price was or will be determined at arms-length;

b. A description of whether the purchase price is at book cost, market value
or some other measure;

c. A description of how the proceeds from the sale will be used;

d. A schedule of plant, book depreciation, and contributed property related to
the assets to be transferred up to the current date;

e. An analysis of the anticipated impact of the transfer on the regulated
company's rates and service, capital structure, and access to capital and financial markets,
including copies of any pertinent published financial reports.

5. Discussion of favorable and unfavorable economic impacts on the
Commonwealth of Virginia to include employee levels, facilities, and services provided.

6. Anticipated impact of the transfer on competition and market power.

30 VAC 5-320-120. Filing schedule.

Each incumbent electric utility required to obtain Commission authorization for the
transfer of its transmission assets to an RTE shall file the application required by 20 VAC 5-320-
90 with the Clerk of the Commission not later than May 1, 2000.

¹ Promoting Wholesale Competition Through Open Access Non-discriminatory
Transmission Services by Public Utilities and Recovery of Stranded Costs by Public Utilities and
Transmitting Utilities, Order No. 888, 61 FR 21,540 (May 10, 1996), FERC Stats. & Regs.
¶ 31,036 (1996) (Order No. 888), order on reh'g, Order No. 888-A, 62 FR 12,274 (March 14,
1997), FERC Stats. & Regs. ¶ 31,048 (1997) (Order No. 888-A), order on reh'g, Order No. 888-
B, 81 FERC ¶ 61,248 (1997), order on reh'g, Order No. 888-C, 82 FERC ¶ 61,046 (1998), appeal
docketed, Transmission Access Policy Study Group, et al. v. FERC, Nos. 97-1715 et al. (D.C.
Cir.).

² Open Access Same-Time Information System (Formerly Real-Time Information Networks) and Standards of Conduct, Order No. 889, 61 FR 21,737 (May 10, 1996), FERC Stats. & Regs. ¶ 31,035 (1996), order on reh'g, Order No. 889-A, 62 FR 12,484 (March 14, 1997), FERC Stats & Regs. ¶ 31,049 (1997), order on reh'g, Order No. 889-B, 81 FERC ¶ 61,253 (1997).

³ Regional Transmission Organizations, Order No. 2000, 65 FR 810 (Dec. ____, 2000), FERC Stats. & Regs. ¶ ____ (2,000), reh'g pending.

⁴ See supra, note 1.